

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)
335308.00101

In re Application of: Shawn POOLE, et al.

Application No.: 10/762,307

Filed: January 23, 2004

For: LABEL APPLICATION APPARATUS AND METHOD OF OPERATION THEREOF

The owner*, Backward Integration, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 10/845,244, filed on May 14, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 54,482


Signature

December 8, 2005
Date

Gilberto M. Villacorta, Ph.D. / Sunit Talapatra, Ph.D.
Typed or printed name

(202) 625-3500
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

12/09/2005 JADD01 00000125 10762307

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*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/762,307	01/23/2004	Shawn Poole	

27160

KATTEN MUCHIN ROSENMAN LLP
 525 WEST MONROE STREET
 CHICAGO, IL 60661-3693

335308-00101

DOCKETED

C/K

CONFIRMATION NO. 4625



OC000000017011005

Date Mailed: 09/14/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.



SHARON KUANG
 PTOSS (703) 305-3006

ATTORNEY/APPLICANT COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Shawn POOLE, *et al.*

Application No.: 10/762,307

Filed: January 23, 2004

For: LABEL APPLICATION APPARATUS AND
METHOD OF OPERATION THEREOF

)
) Group Art Unit: 1734
)
) Examiner: Melvin C. MAYES
)
) Confirmation No.: 4625
)
) Docket No.: 335308.00101
)
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Mail Stop Assignment Recordation Services
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Document ID No.: 103040312

Sir:

Applicants have received a Notice of Non-Recordation dated November 10, 2005 in the above-identified application; the Document ID No. is 103040312 (attached). In response, a new Recordation cover sheet reflecting the correct information is submitted herewith. As this submission is within 30 days of the date of the Notice, the original filing date (*i.e.*, July 11, 2005) of the original assignment document should be maintained. As a final matter, Applicants kindly note that a new Power of Attorney was submitted and accepted in this application; a copy of the Notice of Acceptance is provided for your records.

No additional fees are required with this filing; however, any deficiency in or overpayment of this fee should be charged or credited to Deposit Account No. 50-1710.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. Talapatra", with a long horizontal line extending to the right.

Gilberto M. Villacorta, PH.D.
Registration No. 34,038
Sunit Talapatra, PH.D.
Registration No. 54,482

Date: December 08, 2005

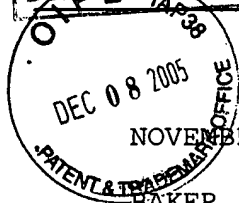
Patent Administrator
KATTEN MUCHIN ROSENMAN LLP
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DC **RECEIVED**
CMID 835308-00101
Action *Response*
Due/Final Dates *2/10/05*
Atty *Gm/15T* Sec:
Document by *Whe* Date *12-1-05*



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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE



NOVEMBER 10, 2005

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103040312A

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**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF NON-RECORDATION OF DOCUMENT**

DOCUMENT ID NO.: 103040312

THE ENCLOSED DOCUMENT HAS BEEN EXAMINED AND FOUND NON-RECORDABLE BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. THE REASON(S) FOR NON-RECORDATION ARE STATED BELOW. DOCUMENTS BEING RESUBMITTED FOR RECORDATION MUST BE ACCOMPANIED BY A NEW COVER SHEET REFLECTING THE CORRECT INFORMATION TO BE RECORDED AND THE DOCUMENT ID NUMBER REFERENCED ABOVE.

THE ORIGINAL DATE OF FILING OF THIS ASSIGNMENT DOCUMENT WILL BE MAINTAINED IF RESUBMITTED WITH THE APPROPRIATE CORRECTION(S) WITHIN 30 DAYS FROM THE DATE OF THIS NOTICE AS OUTLINED UNDER 37 CFR 3.51. THE RESUBMITTED DOCUMENT MUST INCLUDE A STAMP WITH THE OFFICIAL DATE OF RECEIPT UNDER 37 CFR 3. APPLICANTS MAY USE THE CERTIFIED PROCEDURES UNDER 37 CFR 1.8 OR 1.10 FOR RESUBMISSION OF THE RETURNED PAPERS, IF THEY DESIRE TO HAVE THE BENEFIT OF THE DATE OF DEPOSIT IN THE UNITED STATES POSTAL SERVICE.

SEND DOCUMENTS TO: U.S. PATENT AND TRADEMARK OFFICE,
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IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE,
YOU MAY CONTACT THE INDIVIDUAL WHOSE NAME APPEARS ON THIS NOTICE AT
571-272-3350.

1. THIS RECORDATION COVER SHEET IS MISSING ASSIGNMENT DOCUMENTS FOR INVENTORS SHAWN POOLE AND STEVEN GUINDINE. RETURN ALL DOCUMENTS BACK FOR RECORDING FAX 571-273-0140

MARY BENTON, EXAMINER
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OFFICE OF PUBLIC RECORDS

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